

## CONSOLIDATED CHECKLIST C5

### Part 2 of 5 parts

#### Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

40 CFR Part 264, Subparts H-J, as of June 30, 1997  
as published in the July 1, 1997 CFR

#### Notes:

1) Consolidated Checklist C5 is divided into five separate documents/computer files solely for ease of handling its printed and electronic versions. Consolidated Checklist C5 remains one checklist; States must adopt all five portions simultaneously to correctly use this Consolidated Checklist. Note, the prenotes and endnotes associated with each part have been placed with the part to which they apply.

2) Several sections of Part 264, Subpart H, were revised by the September 1, 1988 final rule (53 FR 33938, withheld Revision Checklist 51), titled "Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage." Subsequently, the September 1, 1988 final rule was amended by the July 1, 1991 (56 FR 30200, withheld Revision Checklist 93) and the September 16, 1992 (57 FR 42832) final rules. The September 1, 1988 final rule was the subject of litigation and its checklist, Revision Checklist 51, was withheld by EPA to encourage States not to adopt those changes until a final settlement agreement could be reached and implemented. The July 1, 1991 and September 16, 1992 rules were promulgated to make the revisions mandated by the settlement agreement. Now that all the requirements of the settlement agreement have been met, the changes addressed by the three rules are included in this version of Consolidated Checklist C5 as Revision Checklist 113.

Revision Checklist 113 is a Consolidated Liability Requirements Checklist that incorporates the September 1, 1988; July 1, 1991; and September 16, 1992 rules. In this version of Consolidated Checklist C5, reference to "113" in the "rule reference" column will signify the Consolidated Liability Requirements as addressed by Revision Checklist 113. There are several instances where multiple rules affected the same sections of code. In some cases, the changes made by one rule may be optional while the changes addressed by a second rule to the same section of code is required. States should refer to Revision Checklist 113 for detailed information to identify which specific rules affected each citation addressing liability requirements.

Note that the September 16, 1992 rule (57 FR 42832) modified the claims reporting requirements (264.147(a)(7)&(b)(7) and 265.147(a)(7)&(b)(7)) and they are less stringent than the claim reporting requirements promulgated in the September 1, 1988 rule (53 FR 33938). Thus, States which have already adopted the September 1, 1988 provisions are not required to adopt the "clarified" reporting requirements of the September 16, 1992 rule, although EPA strongly encourages them to do so. States that have not adopted the September 1, 1988 claims reporting requirements should not do so but should, instead, adopt the clarified September 16, 1992 version included in the 1993 CFR.

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART H - FINANCIAL REQUIREMENTS							
APPLICABILITY							
264.142, 264.143, 264.147-264.151 requirements; exceptions	IV A	264.140(a)					
264.144 and 264.145 requirements apply to:	IV A	264.140(b)					
disposal facilities	IV A,109	264.140(b)(1)					
waste piles and surface impoundments	IV A,109	264.140(b)(2)					
tank systems	28,109	264.140(b)(3)					
containment buildings that are required under 264.1102 to meet the requirements for landfills	109	264.140(b)(4)					
State and Federal government exemptions	IV A	264.140(c)					
DEFINITION OF TERMS AS USED IN THIS SUBPART							
"closure plan"	IV A	264.141(a)					
"current closure cost estimate"	IV A	264.141(b)					
"current post-closure cost estimate"	IV A	264.141(c)					
"parent corporation"	IV A	264.141(d)					
"post-closure plan"	IV A	264.141(e)					
terms used in financial tests	IV A	264.141(f)(intro)					
"assets"	IV A	264.141(f)					
"current assets"	IV A	264.141(f)					
"current liabilities"	IV A	264.141(f)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
"current plugging and abandonment cost estimate"	24	264.141(f)					
"independently audited"	IV A	264.141(f)					
"liabilities"	IV A	264.141(f)					
"net working capital"	IV A	264.141(f)					
"net worth"	IV A	264.141(f)					
"tangible net worth"	IV A	264.141(f)					
introduction to definitions relating to liability insurance, bodily injury, and property damage	IV A	264.141(g)(intro)					
"accidental occurrence"	IV A	264.141(g)					
"legal defense costs"	IV A	264.141(g)					
"nonsudden accidental occurrence"	IV A	264.141(g)					
"sudden accidental occurrence"	IV A	264.141(g)					
† "substantial business relationship"	113	264.141(h)					
COST ESTIMATE FOR CLOSURE							
owner or operator must have written cost estimate	IV A, 24, 45, 109	264.142(a)					
1 equal to cost of final closure	24	264.142(a)(1)					
based on costs of hiring third party	24	264.142(a)(2)					
no incorporation of salvage value	24, †64	264.142(a)(3)					
no incorporation of zero cost	24, †64	264.142(a)(4)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
adjust closure cost estimate for inflation	IV A,24	264.142(b)					
first adjustment	IV A	264.142(b)(1)					
subsequent adjustments	IV A	264.142(b)(2)					
revised closure cost estimate	IV A,24	264.142(c)					
cost estimates to be kept at facility	IV A	264.142(d)					
<b>FINANCIAL ASSURANCE FOR CLOSURE</b>							
options to establish financial assurance	*	264.143					
closure trust fund; requirements; trustee must have authority	IV A	264.143(a)(1)					
wording identical to 264.151(a)(1); Schedule A update	IV A	264.143(a)(2)					
annual payments; "pay-in period"	IV A	264.143(a)(3)					
first payment for new facility; subsequent payments	IV A	264.143(a)(3)(i)					
payments for permitted facility	IV A	264.143(a)(3)(ii)					
accelerated payments	IV A	264.143(a)(4)					
payments if previous use of alternate mechanisms	IV A	264.143(a)(5)					
compare new estimate to trust fund	IV A	264.143(a)(6)					
release of excess amount	IV A	264.143(a)(7)					
substitution of other financial assurance	IV A	264.143(a)(8)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
timing of release of funds	IV A	264.143(a)(9)					
reimbursement for closure activities	IV A,24	264.143(a)(10)					
termination of trust if alternate financial assurance or release from 264.143 requirements	IV A	264.143(a)(11)					
		264.143(a)(11)(i)					
		264.143(a)(11)(ii)					
surety bond guaranteeing payment into a closure trust fund; requirements; obtain from an acceptable surety company	IV A	264.143(b)(1)					
wording identical to 264.151(b)	IV A	264.143(b)(2)					
establish standby trust fund	IV A	264.143(b)(3)					
trust agreement submitted with surety bond	IV A	264.143(b)(3)(i)					
until standby trust fund is funded, following not required:	IV A	264.143(b)(3)(ii)					
payments into trust fund	IV A	264.143(b)(3)(ii)(A)					
Schedule A update	IV A	264.143(b)(3)(ii)(B)					
annual valuations	IV A	264.143(b)(3)(ii)(C)					
notices of nonpayment	IV A	264.143(b)(3)(ii)(D)					
surety bond guarantees:	IV A	264.143(b)(4)					
funding of standby trust fund	IV A	264.143(b)(4)(i)					
fund equal to penal sum within 15 days of administrative or judicial order	IV A,24	264.143(b)(4)(ii)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
alternate financial assurance following notice of cancellation	IV A	264.143(b)(4)(iii)					
when surety becomes liable	IV A	264.143(b)(5)					
penal sum equal to current cost estimate	IV A	264.143(b)(6)					
penal sum increase or decrease	IV A	264.143(b)(7)					
surety may cancel bond after 120 days	IV A	264.143(b)(8)					
owner or operator may cancel bond if written consent	IV A	264.143(b)(9)					
surety bond guaranteeing performance of closure; requirements; obtain from acceptable surety company	IV A	264.143(c)(1)					
wording identical to 264.151(c)	IV A	264.143(c)(2)					
establish standby trust fund	IV A	264.143(c)(3)					
trust agreement submitted with surety bond	IV A	264.143(c)(3)(i)					
unless standby trust fund is funded, the following not required:	IV A	264.143(c)(3)(ii)					
payments to trust fund	IV A	264.143(c)(3)(ii)(A)					
Schedule A update	IV A	264.143(c)(3)(ii)(B)					
annual valuations	IV A	264.143(c)(3)(ii)(C)					
notices of nonpayment	IV A	264.143(c)(3)(ii)(D)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
what the bond must guarantee	IV A	264.143(c)(4)					
		264.143(c)(4)(i)					
		264.143(c)(4)(ii)					
surety will become liable when owner/operator fails to perform as bond guarantees; following final Administrative Order perform final closure or deposit penal sum in standby trust fund	IV A,24	264.143(c)(5)					
amount of penal sum	IV A	264.143(c)(6)					
if current closure cost estimate increases to an amount greater than penal sum, then increase penal sum within 60 days	IV A	264.143(c)(7)					
surety may cancel bond; procedures	IV A	264.143(c)(8)					
owner or operator may cancel bond if Regional Administrator consents in writing; conditions	IV A	264.143(c)(9)					
		264.143(c)(9)(i)					
		264.143(c)(9)(ii)					
surety not liable for deficiencies in closure performance after Regional Administrator releases owner or operator from requiring 264.143	IV A	264.143(c)(10)					
closure letter of credit; when letter must be submitted to Regional Administrator; conditions of letter and who can issue it	IV A	264.143(d)(1)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
wording identical to 264.151(d)	IV A	264.143(d)(2)					
establish standby trust fund; meets requirements of 264.143(a) except:	IV A	264.143(d)(3)					
originally signed duplicate to Regional Administrator with letter of credit	IV A	264.143(d)(3)(i)					
unless standby trust fund is funded, the following are not required:	IV A	264.143(d)(3)(ii)					
payments into trust fund	IV A	264.143(d)(3)(ii)(A)					
Schedule A update	IV A	264.143(d)(3)(ii)(B)					
annual valuations	IV A	264.143(d)(3)(ii)(C)					
notices of nonpayment	IV A	264.143(d)(3)(ii)(D)					
letter of credit accompanied by letter from owner/operator; information it must contain	IV A	264.143(d)(4)					
terms of letter of credit	IV A	264.143(d)(5)					
issued in amount equal to current closure cost estimate except as provided in 264.143(g)	IV A	264.143(d)(6)					
if current closure cost estimate increases to an amount greater than credit amount, then must increase credit amount within 60 days; actions when closure costs decrease	IV A	264.143(d)(7)					



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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
after final RCRA 3008 determination, Regional Administrator may draw on letter of credit	IV A,24	264.143(d)(8)					
if no alternate financial assurance, Regional Administrator can draw on letter of credit; procedures for doing so	IV A	264.143(d)(9)					
conditions under which the Regional Administrator will return the letter of credit for termination	IV A	264.143(d)(10)					
		264.143(d)(10)(i)					
		264.143(d)(10)(ii)					
closure insurance must conform to 264.143(e) requirements; submit certificate to Regional Administrator; insurer requirements	IV A	264.143(e)(1)					
identical to 264.151(e) wording	IV A	264.143(e)(2)					
amount of insurance policy	IV A	264.143(e)(3)					
what the policy must guarantee	IV A	264.143(e)(4)					
owner/operator may request reimbursements; conditions for; procedures of Regional Administrator if maximum closure cost is greater than face value of policy	IV A,24	264.143(e)(5)					
policy must be in full force until Regional Administrator consents to termination; violations	IV A	264.143(e)(6)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
assignment of policy to successor	IV A	264.143(e)(7)					
insurer cannot terminate except for failure to pay; renewal; procedures if failure to pay	IV A	264.143(e)(8)					
conditions that policy will remain in full force and effect in the event that the listed circumstances occur	IV A	264.143(e)(8)(i)					
		264.143(e)(8)(ii)					
		264.143(e)(8)(iii)					
		264.143(e)(8)(iv)					
		264.143(e)(8)(v)					
owner/operator responsibilities and procedures when current closure cost estimate increases/decreases to an amount greater/less than face amount of policy	IV A	264.143(e)(9)					
conditions under which Regional Administrator will allow termination of policy	IV A	264.143(e)(10)					
		264.143(e)(10)(i)					
		264.143(e)(10)(ii)					
financial test and corporate guarantee for closure; owner/operator must satisfy 264.143(f)(1)(i) or (ii) requirements to pass financial test	IV A	264.143(f)(1)					
what owner/operator must have:	IV A	264.143(f)(1)(i)					
two of three specified financial ratios	IV A	264.143(f)(1)(i)(A)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
net working capital and tangible net worth relative to closure/post-closure estimates	IV A,24	264.143(f)(1)(i)(B)					
tangible net worth of at least \$10 million	IV A	264.143(f)(1)(i)(C)					
90% of assets in U.S.	IV A,24	264.143(f)(1)(i)(D)					
what owner/operator must have:	IV A	264.143(f)(1)(ii)					
bond rating	IV A	264.143(f)(1)(ii)(A)					
tangible net worth at six times sum of closure/post-closure cost estimates	IV A,24	264.143(f)(1)(ii)(B)					
tangible net worth at least \$10 million	IV A	264.143(f)(1)(ii)(C)					
90% of assets in U.S.	IV A,24	264.143(f)(1)(ii)(D)					
definitions of "current closure and post-closure cost estimates" and "current plugging and abandonment cost estimates"	IV A,24	264.143(f)(2)					
what the owner/operator must submit to the Regional Administrator to demonstrate he meets the financial test	IV A	264.143(f)(3)					
		264.143(f)(3)(i)					
		264.143(f)(3)(ii)					
		264.143(f)(3)(iii)					
		264.143(f)(3)(iii)(A)					
		264.143(f)(3)(iii)(B)					
when 264.143(f)(3) items must be submitted	IV A	264.143(f)(4)					
updates at close of each fiscal year	IV A	264.143(f)(5)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
owner/operator responsibilities if no longer meets 264.143(f)(1) requirements	IV A	264.143(f)(6)					
what Regional Administrator may do if suspects owner/operator no longer meets 264.143(f)(1)	IV A	264.143(f)(7)					
when Regional Administrator may disallow test	IV A	264.143(f)(8)					
when 264.143(f)(3) items no longer need to be submitted	IV A	264.143(f)(9)					
		264.143(f)(9)(i)					
		264.143(f)(9)(ii)					
requirement may be met by corporate guarantee; conditions which guarantor and guarantee must meet	IV A, †113	264.143(f)(10)					
what the terms of the corporate guarantee must provide	IV A	264.143(f)(10)(i)					
		264.143(f)(10)(ii)					
		264.143(f)(10)(iii)					
use of multiple financial mechanisms; conditions which must be met	IV A	264.143(g)					
use of financial mechanism for multiple facilities; conditions which must be met	IV A	264.143(h)					
release of owner/operator from the requirements of 264.143	IV A,24	264.143(i)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
COST ESTIMATE FOR POST-CLOSURE CARE							
detailed written estimate, in current dollars, of annual cost of post- closure monitoring and maintenance	IV A,24, 45	264.144(a)					
post-closure cost estimate based on hiring third party to conduct care	IV A,24	264.144(a)(1)					
calculation of estimate	IV A,24	264.144(a)(2)					
adjust for inflation; specifications on when this must be done; inflation factor	IV A,24	264.144(b)					
first adjustment	IV A	264.144(b)(1)					
subsequent adjustments	IV A	264.144(b)(2)					
revise post-closure care estimate when post- closure plan changes	IV A,24	264.144(c)					
what must be kept at facility	IV A	264.144(d)					
FINANCIAL ASSURANCE FOR POST-CLOSURE CARE							
deadline for obtaining financial assurance; options from which owner/operator may choose	*,24	264.145					
post-closure trust fund; requirements which trust and trustee must meet; submit to Regional Administrator	IV A	264.145(a)(1)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
trust must have wording identical to that specified in 264.151(a)(1); formal certification of acknowledgment; Schedule A	IV A	264.145(a)(2)					
annual payments; procedures and formulas for determining	IV A	264.145(a)(3)					
		264.145(a)(3)(i)					
		264.145(a)(3)(ii)					
the value at which fund must be maintained	IV A	264.145(a)(4)					
first payment of post-closure trust fund after another mechanism was used	IV A	264.145(a)(5)					
after pay-in period, what must be done if fund value is less than new estimate	IV A	264.145(a)(6)					
written request to Regional Administrator for release of excess in fund	IV A	264.145(a)(7)					
other financial procedure if substitute assurance for all or part of fund	IV A	264.145(a)(8)					
within 60 days after request for fund release, Regional Administrator will instruct trustee to do so	IV A	264.145(a)(9)					
fund release during post-closure	IV A	264.145(a)(10)					
reimbursement for post-closure care expenditures	IV A,24	264.145(a)(11)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
conditions under which a Regional Administrator will terminate a trust	IV A	264.145(a)(12)					
		264.145(a)(12)(i)					
		264.145(a)(12)(ii)					
surety bond guaranteeing payment into a post- closure fund; specific conditions which surety and company issuing surety must meet	IV A	264.145(b)(1)					
surety bond wording must be identical to that specified in 264.151(b)	IV A	264.145(b)(2)					
establish a standby trust; trust must meet 264.145(a) requirements except:	IV A	264.145(b)(3)					
originally signed duplicate to Regional Administrator	IV A	264.145(b)(3)(i)					
until standby trust is funded, specific requirements that are not required	IV A	264.145(b)(3)(ii)					
		264.145(b)(3)(ii)(A)					
		264.145(b)(3)(ii)(B)					
		264.145(b)(3)(ii)(C)					
		264.145(b)(3)(ii)(D)					
the bond must guarantee that the owner/operator will do the following:	IV A	264.145(b)(4)					
fund the standby trust equal to penal sum before begin final closure	IV A	264.145(b)(4)(i)					
fund standby trust fund equal to penal sum within 15 days of order to close	IV A,24	264.145(b)(4)(ii)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
provide alternate financial assurance	IV A	264.145(b)(4)(iii)					
when surety becomes liable	IV A	264.145(b)(5)					
what penal sum must be equal to	IV A	264.145(b)(6)					
adjustment to penal sum due to post-closure cost estimate increase/ decrease	IV A	264.145(b)(7)					
conditions under which surety may cancel bond	IV A	264.145(b)(8)					
conditions under which owner or operator may cancel bond	IV A	264.145(b)(9)					
surety bond guaranteeing performance of post- closure care	IV A	264.145(c)					
conditions surety bond and surety company must meet	IV A	264.145(c)(1)					
identical wording to 264.151(c)	IV A	264.145(c)(2)					
establish standby trust fund; meet 264.145(a) requirements except:	IV A	264.145(c)(3)					
originals and duplicate of trust agreement to Regional Administrator	IV A	264.145(c)(3)(i)					



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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
unless standby trust fund is funded according to section requirements, specific procedures that are not required	IV A	264.145(c)(3)(ii)					
		264.145(c)(3)(ii)(A)					
		264.145(c)(3)(ii)(B)					
		264.145(c)(3)(ii)(C)					
		264.145(c)(3)(ii)(D)					
what the bond must guarantee	IV A	264.145(c)(4)					
		264.145(c)(4)(i)					
		264.145(c)(4)(ii)					
when the surety becomes liable; keyed to final administrative 3008 determination	IV A,24	264.145(c)(5)					
what penal sum must be equal to	IV A	264.145(c)(6)					
adjustments to penal sum due to post-closure cost estimate increase/decrease	IV A	264.145(c)(7)					
approval of decrease in penal sum	IV A	264.145(c)(8)					
conditions under which surety may cancel bond	IV A	264.145(c)(9)					
conditions under which owner or operator may cancel bond	IV A	264.145(c)(10)					
		264.145(c)(10)(i)					
		264.145(c)(10)(ii)					
what the surety is not liable for	IV A	264.145(c)(11)					
post-closure letter of credit	IV A	264.145(d)					
conditions the letter of credit and its issuing institution must meet	IV A	264.145(d)(1)					

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identical wording to that specified in 264.151(d)	IV A	264.145(d)(2)					
establish standby trust fund; meet 264.145(a) conditions, except:	IV A	264.145(d)(3)					
originally signed duplicate of trust agreement to Regional Administrator	IV A	264.145(d)(3)(i)					
unless standby trust fund is funded, specific items not required	IV A	264.145(d)(3)(ii)					
		264.145(d)(3)(ii)(A)					
		264.145(d)(3)(ii)(B)					
		264.145(d)(3)(ii)(C)					
		264.145(d)(3)(ii)(D)					
letter of credit must be accompanied by letter; what letter must contain	IV A	264.145(d)(4)					
terms of letter of credit	IV A	264.145(d)(5)					
amount of letter of credit	IV A	264.145(d)(6)					
adjustments to amount of credit due to increase/decrease in post-closure cost estimate	IV A	264.145(d)(7)					
conditions under which amount of letter of credit can be decreased	IV A,24	264.145(d)(8)					
after final 3008 administrative determination, Regional Administrator may draw on credit	IV A,24	264.145(d)(9)					
when the Regional Administrator can draw on letter of credit	IV A	264.145(d)(10)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
termination of letter of credit	IV A	264.145(d)(11)					
		264.145(d)(11)(i)					
		264.145(d)(11)(ii)					
post-closure insurance; conditions the insurance and the insurer must meet	IV A	264.145(e)(1)					
wording identical to wording specified in 264.151(e)	IV A	264.145(e)(2)					
"face amount" policy must be issued for	IV A	264.145(e)(3)					
what policy must guarantee	IV A	264.145(e)(4)					
request for reimbursement; procedures for reimbursement	IV A,24	264.145(e)(5)					
maintain policy in full force until Regional Administrator consents to terminate; failure to pay	IV A	264.145(e)(6)					
assignment of policy to successor	IV A	264.145(e)(7)					
excepting failure to pay, policy must provide that insurer may not cancel, terminate or fail to renew; conditions under which policy remains in full force following date of expiration	IV A	264.145(e)(8)					
		264.145(e)(8)(i)					
		264.145(e)(8)(ii)					
		264.145(e)(8)(iii)					
		264.145(e)(8)(iv)					
		264.145(e)(8)(v)					
adjustments to face amount due to increase/decrease in post- closure cost estimates	IV A	264.145(e)(9)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
annual increase of face amount	IV A	264.145(e)(10)					
conditions under which insurance policy may be terminated	IV A	264.145(e)(11)					
		264.145(e)(11)(i)					
		264.145(e)(11)(ii)					
financial test and corporate guarantee for post-closure care; pass financial test; criteria for passing test	IV A	264.145(f)(1)					
specific criteria:	IV A	264.145(f)(1)(i)					
have two of the three specified ratios	IV A	264.145(f)(1)(i)(A)					
net working capital and tangible net worth at least six times sum of current closure/post-closure cost estimates and plugging/abandonment cost estimates	IV A,24	264.145(f)(1)(i)(B)					
tangible net worth at least \$10 million	IV A	264.145(f)(1)(i)(C)					
90% of assets in U.S. or six times sum of current closure/post-closure cost estimate and current plugging/abandonment costs	IV A,24	264.145(f)(1)(i)(D)					
owner or operator must have:	IV A	264.145(f)(1)(ii)					
a specified bond rating	IV A	264.145(f)(1)(ii)(A)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
tangible net worth six times sum of current closure/post-closure cost estimates and plugging/abandonment cost estimates	IV A,24	264.145(f)(1)(ii)(B)					
tangible net worth of at least \$10 million	IV A	264.145(f)(1)(ii)(C)					
90% of assets in U.S. or six times sum of current closure/post-closure cost estimate and current plugging/abandonment costs	IV A,24	264.145(f)(1)(ii)(D)					
definition of "current closure and post-closure cost estimates" and "current plugging and abandonment cost estimates"	IV A,24	264.145(f)(2)					
to demonstrate meets 264.145(f)(1) test, items which must be submitted to Regional Administrator	IV A	264.145(f)(3)					
		264.145(f)(3)(i)					
		264.145(f)(3)(ii)					
		264.145(f)(3)(iii)					
		264.145(f)(3)(iii)(A)					
		264.145(f)(3)(iii)(B)					
when items must be submitted	IV A	264.145(f)(4)					
when updated information must be submitted	IV A	264.145(f)(5)					
responsibilities when 264.145(f)(1) requirements are no longer met	IV A	264.145(f)(6)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
Regional Administrator's actions when suspects owner/operator no longer meets 264.145(f)(1)	IV A	264.145(f)(7)					
when Regional Administrator may disallow use of test	IV A	264.145(f)(8)					
when Regional Administrator may approve decrease in current post-closure cost estimates	IV A	264.145(f)(9)					
specific conditions under which 264.145(f)(3) items no longer need to be submitted	IV A	264.145(f)(10)					
		264.145(f)(10)(i)					
		264.145(f)(10)(ii)					
2 guarantee may meet 264.145 requirements; conditions guarantee must meet	IV A, †113	264.145(f)(11)					
	IV A	264.145(f)(11)(i)					
		264.145(f)(11)(ii)					
		264.145(f)(11)(iii)					
use of multiple financial mechanisms	IV A	264.145(g)					
use of financial mechanism for multiple facilities	IV A	264.145(h)					
release of the owner or operator from the requirements of 264.145	IV A,24	264.145(i)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
USE OF A MECHANISM FOR FINANCIAL ASSURANCE OF BOTH CLOSURE AND POST-CLOSURE CARE							
financial assurance requirements for both closure and post-closure can be met by specific types of mechanisms which meet 264.143 and 264.145 specifications; amount of funds which must be available	IV A	264.146					
LIABILITY REQUIREMENTS							
coverage for sudden accidental occurrences; ways liability insurance may be demonstrated	IV A, †113	264.147(a)					
liability insurance meeting the following:	IV A	264.147(a)(1)					
attachment of Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance; required wording; submittal of signed duplicate original	IV A	264.147(a)(1)(i)					
minimum requirements insurer must meet	IV A	264.147(a)(1)(ii)					
meet financial test or use guarantee for liability coverage as specified in 264.147(f)&(g)	IV A, †27,113	264.147(a)(2)					
requirements may be met by obtaining letter of credit for liability coverage	IV A,†27, †113	264.147(a)(3)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† requirements may be met by obtaining surety bond for liability coverage	113	264.147(a)(4)					
† requirements may be met by obtaining trust fund for liability coverage	113	264.147(a)(5)					
† liability coverage may be demonstrated by combination of financial mechanisms; amount of coverage must total at least the minimum amounts required by 264.147; specification of "primary" and "excess" coverage	113	264.147(a)(6)					
4 notify Regional Administrator in writing whenever:	113	264.147(a)(7)					
4 claims reduce amount of financial assurance for liability coverage	113	264.147(a)(7)(i)					
4 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	113	264.147(a)(7)(ii)					



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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
4 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(a)(7)(iii)					
3,5 coverage for nonsudden accidental occurrences; ways coverage may be demonstrated	IV A, 45, 113	264.147(b)					
demonstrate by having liability insurance with the following requirements:	IV A	264.147(b)(1)					
attachment of Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance; required wording; submittal of signed duplicate original	IV A	264.147(b)(1)(i)					
minimum requirements for insurer	IV A	264.147(b)(1)(ii)					
pass financial test or use guarantee for liability coverage as specified in 264.147(f)&(g)	IV A, †27, †113	264.147(b)(2)					
requirements may be met by obtaining letter of credit for liability coverage	IV A, †27, †113	264.147(b)(3)					
6 requirements may be met by obtaining surety bond for liability coverage	IV A, †113	264.147(b)(4)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† requirements may be met by obtaining trust fund for liability coverage	113	264.147(b)(5)					
† liability coverage may be demonstrated by combination of mechanisms; amount of coverage must total at least the minimum amount required by 264.147; specification of "primary" and "excess" coverage	113	264.147(b)(6)					
4 notify Regional Administrator in writing whenever:	113	264.147(b)(7)					
4 claims reduce amount of financial assurance for liability coverage	113	264.147(b)(7)(i)					
4 Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence is entered between the owner or operator and a third- party claimant	113	264.147(b)(7)(ii)					
4 final court order establishing judgment for bodily injury or property damage caused by sudden or non-sudden accidental occurrence is issued against the owner or operator or an instrument providing financial assurance	113	264.147(b)(7)(iii)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
requests for variance from 264.147(a) or (b) requirements; form of variance requirements	IV A	264.147(c)					
adjustments to required financial responsibility levels by Regional Administrator; criteria which must be used	IV A	264.147(d)					
when liability coverage may be terminated	IV A,24	264.147(e)					
financial test for liability coverage; criteria of 265.147(f)(1)(i) or (ii) must be met	IV A	264.147(f)(1)					
what the owner or operator must have	IV A	264.147(f)(1)(i)					
		264.147(f)(1)(i)(A)					
		264.147(f)(1)(i)(B)					
		264.147(f)(1)(i)(C)					
		264.147(f)(1)(ii)					
		264.147(f)(1)(ii)(A)					
		264.147(f)(1)(ii)(B)					
		264.147(f)(1)(ii)(C)					
		264.147(f)(1)(ii)(D)					
"amount of liability coverage"	IV A	264.147(f)(2)					
three items the owner or operator must submit	IV A	264.147(f)(3)					
		264.147(f)(3)(i)					
		264.147(f)(3)(ii)					
		264.147(f)(3)(iii)					
		264.147(f)(3)(iii)(A)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		264.147(f)(3)(iii)(B)					
deadline for submittal	IV A	264.147(f)(4)					
updated information	IV A	264.147(f)(5)					
evidence of liability coverage if 264.147(f)(1) requirements not met	IV A, †113	264.147(f)(6)					
Regional Administrator may disallow test; cause for disallowance	IV A	264.147(f)(7)					

†,7,8 Guarantee for Liability Coverage

guarantee for liability coverage; requirements guarantor must meet	27, †113	264.147(g)(1)					
payment by guarantor if owner or operator fails to satisfy a judgment	27	264.147(g)(1)(i)					
9 removed and reserved	27, †113	264.147(g)(1)(ii)					
corporations incorporated in U.S.	27, †43, †113	264.147(g)(2)(i)					
corporations incorporated outside U.S.	27, †43, †113	264.147(g)(2)(ii)					

10 letter of credit for liability coverage	*, †27, †113	264.147(h)					
†,11 requirements may be satisfied by obtaining irrevocable standby letter of credit that conforms to 264.147(h) requirements and submitting copy to Regional Administrator	113	264.147(h)(1)					
† criteria for financial institution issuing letter of credit	113	264.147(h)(2)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† wording of letter of credit must be identical to wording specified in 264.151(k)	113	264.147(h)(3)					
† establishment and use of standby trust fund by owner or operator using letter of credit	113	264.147(h)(4)					
† wording of standby trust fund must be identical to wording specified in 264.151(n)	113	264.147(h)(5)					
† "Surety bond for liability coverage"	113	264.147(i)					
† requirements may be satisfied by obtaining surety bond conforming to 264.147(i) requirements and submitting copy to Regional Administrator	113	264.147(i)(1)					
† criterion for surety company issuing bond	113	264.147(i)(2)					
† wording of surety bond must be identical to wording specified in 264.151(l)	113	264.147(i)(3)					
† conditions under which surety bond may be used	113	264.147(i)(4)					
		264.147(i)(4)(i)					
		264.147(i)(4)(ii)					
† "Trust fund for liability coverage"	113	264.147(j)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† requirements may be satisfied by establishing trust fund and submitting an originally signed duplicate of trust agreement to Regional Administrator	113	264.147(j)(1)					
† criteria for trustee	113	264.147(j)(2)					
† trust fund must be funded for full amount of liability coverage it is to provide; requirements if fund is reduced below full amount; definition of "full amount"	113	264.147(j)(3)					
† wording of trust fund must be identical to wording specified in 264.151(m)	113	264.147(j)(4)					
10 until 10/16/82, use of endorsement or insurance without certification of insurer	*,†27, †113	264.147(k)					
INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS							
incapacity through bankruptcy of owner or operator or guarantor	IV A	264.148(a)					
incapacity of financial institution by bankruptcy or authority suspension	IV A	264.148(b)					
WORDING OF THE INSTRUMENTS							
required wording for a trust agreement	IV A	264.151(a)(1)					
certification of acknowledgement	IV A	264.151(a)(2)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
required wording for a financial guarantee bond	IV A,24, †113	264.151(b)					
required wording for a performance bond	IV A	264.151(c)					
required wording for an irrevocable standby letter of credit	IV A, †133	264.151(d)					
required wording for a certificate of insurance for closure or post-closure care	IV A	264.151(e)					
12 required wording for letter from chief financial officer (financial assurance)	IV A,24, †113	264.151(f)					
13,14 required wording for letter from chief financial officer (liability coverage)	IV A,24, †27,113	264.151(g)					
15 required wording for corporate guarantee for closure or post-closure care	IV A,27, †113	264.151(h)(1)					
†,3,16 required wording for corporate guarantee for liability coverage	27,43,113	264.151(h)(2)					
required wording for hazardous waste facility liability endorsement	IV A, †113	264.151(i)					
17 required wording for hazardous waste facility certificate of liability insurance	IV A, †113	264.151(j)					
3,18 wording for letter of credit for liability coverage	113,†133	264.151(k)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
19 wording for surety bond	†113	264.151(l)					
wording for trust agreement	†113	264.151(m)(1)					
†,20 certification of acknowledgement	113	264.151(m)(2)					
†,21 wording for standby trust agreement	113	264.151(n)(1)					
† wording for certification of acknowledgement to accompany trust agreement	113	264.151(n)(2)					
SUBPART I - USE AND MANAGEMENT OF CONTAINERS							
APPLICABILITY							
storage of hazardous waste in containers	IV A	264.170					
CONDITION OF CONTAINERS							
requirements when container is not in good condition	IV A	264.171					
COMPATIBILITY OF WASTE WITH CONTAINERS							
container must be compatible with hazardous waste	IV A	264.172					
MANAGEMENT OF CONTAINERS							
closed container during storage	IV A	264.173(a)					
care in handling	IV A	264.173(b)					
INSPECTIONS							
weekly inspections	IV A	264.174					
CONTAINMENT							
requirement for a containment system	IV A	264.175(a)					



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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
containment system design and operation requirements	IV A	264.175(b)					
		264.175(b)(1)					
		264.175(b)(2)					
		264.175(b)(3)					
		264.175(b)(4)					
		264.175(b)(5)					
containers without free liquids don't require a containment system; exceptions	IV A,14	264.175(c)					
sloped storage area to drain precipitation	IV A	264.175(c)(1)					
elevated containers	IV A	264.175(c)(2)					
containment system requirements for storage of F020-F023, F026, F027	14	264.175(d)					
		264.175(d)(1)					
reserved	14	264.175(d)(2)					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE							
required distance from property line	IV A	264.176					
SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES							
not to be placed in same container	IV A	264.177(a)					
not to be placed in unwashed, previously used container	IV A	264.177(b)					
separation or protection requirements	IV A	264.177(c)					
CLOSURE							
decontamination or removal at closure	IV A	264.178					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
AIR EMISSION STANDARDS							
owner or operator shall manage all hazardous waste placed in container in accordance with requirements of part 264, subpart CC	154	264.179					
SUBPART J - TANK SYSTEMS							
APPLICABILITY							
tank systems used for storing or treating hazardous wastes; exceptions	IV A,28,82	264.190					
tank systems which contain no free liquids are exempted from 264.193; test Method 9095 must be used to demonstrate absence of free liquids	IV A,†28,†52,126	264.190(a)					
tanks in secondary containment systems exempt	IV A,†28,†52	264.190(b)					
tanks, sumps and other collection devices used in conjunction with Subpart W-regulated drip pads must comply with Part 264 Subpart J requirements	82	264.190(c)					
ASSESSMENT OF EXISTING TANK SYSTEM'S INTEGRITY							
written assessment of tank system's integrity	28	264.191(a)					
adequate design; sufficient structural strength; compatibility with waste(s)	28	264.191(b)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
minimum assessment considerations	28	264.191(b)(1)					
		264.191(b)(2)					
		264.191(b)(3)					
		264.191(b)(4)					
		264.191(b)(5)					
		264.191(b)(5)(i)					
		264.191(b)(5)(ii)					
12 mos. deadline if materials become hazardous wastes after 7/14/86	28	264.191(c)					
tank systems found to be leaking or unfit for use, compliance with 264.196	28	264.191(d)					

23 DESIGN AND INSTALLATION OF NEW TANK SYSTEMS OR COMPONENTS

information to be included in written assessments for new tank systems or components	28	264.192(a)					
design standards	28	264.192(a)(1)					
hazardous characteristics	28	264.192(a)(2)					
contact with soil or water; required determinations	28	264.192(a)(3)					

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
factors affecting potential for corrosion	28	264.192(a)(3)(i)					
		264.192(a)(3)(i)(A)					
		264.192(a)(3)(i)(B)					
		264.192(a)(3)(i)(C)					
		264.192(a)(3)(i)(D)					
		264.192(a)(3)(i)(E)					
		264.192(a)(3)(i)(F)					
		264.192(a)(3)(i)(G)					
		264.192(a)(3)(i)(H)					
type and degree of external corrosion protection needed	28	264.192(a)(3)(ii)					
		264.192(a)(3)(ii)(A)					
		264.192(a)(3)(ii)(B)					
		264.192(a)(3)(ii)(C)					
protection from traffic for underground components	28	264.192(a)(4)					
design considerations to ensure protection from environment	28	264.192(a)(5)					
		264.192(a)(5)(i)					
		264.192(a)(5)(ii)					
		264.192(a)(5)(iii)					
new tank installation procedures; inspection requirements	28	264.192(b)					
		264.192(b)(1)					
		264.192(b)(2)					
		264.192(b)(3)					
		264.192(b)(4)					
		264.192(b)(5)					
		264.192(b)(6)					

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FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
backfilling requirements for new underground tank systems	28	264.192(c)					
tightness requirement	28	264.192(d)					
protection of ancillary equipment	28	264.192(e)					
corrosion protection requirements	28	264.192(f)					
written statements and certification statements	28	264.192(g)					

23 CONTAINMENT AND DETECTION OF RELEASES

schedule for providing secondary containment for tank systems	28	264.193(a)					
		264.193(a)(1)					
		264.193(a)(2)					
		264.193(a)(3)					
		264.193(a)(4)					
		264.193(a)(5)					
requirements for secondary containment systems	28	264.193(b)					
		264.193(b)(1)					
		264.193(b)(2)					
minimum specifications of secondary containment systems	28	264.193(c)					
		264.193(c)(1)					
		264.193(c)(2)					
		264.193(c)(3)					
		264.193(c)(4)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
devices that satisfy the secondary containment requirements	28	264.193(d)					
		264.193(d)(1)					
		264.193(d)(2)					
		264.193(d)(3)					
		264.193(d)(4)					
additional requirements for secondary containment systems	28	264.193(e)					
additional requirements for external liner systems	28	264.193(e)(1)					
		264.193(e)(1)(i)					
		264.193(e)(1)(ii)					
		264.193(e)(1)(iii)					
		264.193(e)(1)(iv)					
additional requirements for vault systems	28	264.193(e)(2)					
		264.193(e)(2)(i)					
		264.193(e)(2)(ii)					
		264.193(e)(2)(iii)					
		264.193(e)(2)(iv)					
		264.193(e)(2)(v)					
		264.193(e)(2)(v)(A)					
		264.193(e)(2)(v)(B)					
		264.193(e)(2)(vi)					
additional requirements for double-walled tanks	28	264.193(e)(3)					
		264.193(e)(3)(i)					
		264.193(e)(3)(ii)					
		264.193(e)(3)(iii)					

CONSOLIDATED CHECKLIST C5  
40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
secondary containment requirements for ancillary equipment; exceptions	28	264.193(f)					
aboveground piping	28	264.193(f)(1)					
welded parts and connections	28	264.193(f)(2)					
sealless or magnetic coupling pumps and sealless valves	28,52	264.193(f)(3)					
pressurized aboveground piping systems with automatic shut-off devices	28	264.193(f)(4)					

†,7 Variance from Section Requirements

general requirements for variance	28	264.193(g)					
considerations in granting variance based on demonstration of equivalent ground water and surface water protection	28	264.193(g)(1)					
		264.193(g)(1)(i)					
		264.193(g)(1)(ii)					
		264.193(g)(1)(iii)					
		264.193(g)(1)(iv)					
factors to be considered in granting a variance	28	264.193(g)(2)					
factors regarding the potential adverse effects on ground water, surface water and land quality	28	264.193(g)(2)(i)					
		264.193(g)(2)(i)(A)					
		264.193(g)(2)(i)(B)					
		264.193(g)(2)(i)(C)					
		264.193(g)(2)(i)(D)					
		264.193(g)(2)(i)(E)					

CONSOLIDATED CHECKLIST C5  
40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
factors regarding the potential adverse effects of a release on ground water quality	28	264.193(g)(2)(ii)					
		264.193(g)(2)(ii)(A)					
		264.193(g)(2)(ii)(B)					
		264.193(g)(2)(ii)(C)					
		264.193(g)(2)(ii)(D)					
factors regarding the potential adverse effects of a release on surface water quality	28	264.193(g)(2)(iii)					
		264.193(g)(2)(iii)(A)					
		264.193(g)(2)(iii)(B)					
		264.193(g)(2)(iii)(C)					
		264.193(g)(2)(iii)(D)					
		264.193(g)(2)(iii)(E)					
factors regarding the potential adverse effects of a release on the land	28	264.193(g)(2)(iv)					
		264.193(g)(2)(iv)(A)					
		264.193(g)(2)(iv)(B)					
requirements if release occurs from primary tank system but no migration beyond zone of engineering control	28	264.193(g)(3)					
		264.193(g)(3)(i)					
		264.193(g)(3)(ii)					
		264.193(g)(3)(ii)(A)					
		264.193(g)(3)(ii)(B)					
		264.193(g)(3)(iii)					
requirements if release occurs and migrates beyond zone of engineering control	28	264.193(g)(4)					
		264.193(g)(4)(i)					
		264.193(g)(4)(ii)					
		264.193(g)(4)(iii)					



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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

†,7 Variance Procedures

procedures for requesting a variance	28	264.193(h)					
		264.193(h)(1)					
		264.193(h)(1)(i)					
		264.193(h)(1)(ii)					
		264.193(h)(2)					
		264.193(h)(3)					
		264.193(h)(4)					

requirements for all tank systems until such time as secondary containment is provided	28	264.193(i)					
		264.193(i)(1)					
		264.193(i)(2)					
		264.193(i)(3)					
		264.193(i)(4)					
		264.193(i)(5)					

23 GENERAL OPERATING REQUIREMENTS

when hazardous waste or treatment reagents must not be placed in tank systems	28	264.194(a)					
minimum controls and practices to prevent spills and overflows	28	264.194(b)					
		264.194(b)(1)					
		264.194(b)(2)					
		264.194(b)(3)					
264.196 requirements if a leak or spill occurs in the system	14,28	264.194(c)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

23 INSPECTIONS

schedule and procedure for inspecting overfill controls	28	264.195(a)					
daily inspection requirements	28	264.195(b)					
		264.195(b)(1)					
		264.195(b)(2)					
		264.195(b)(3)					
minimum inspection frequency for cathodic protection systems	28	264.195(c)					
		264.195(c)(1)					
		264.195(c)(2)					
document in operating record	28	264.195(d)					

23 RESPONSE TO LEAKS OR SPILLS AND DISPOSITION OF LEAKING OR UNFIT-FOR-USE TANK SYSTEMS

immediate removal from service of leaking or unfit-for-use tank or secondary containment system	28,52	264.196					
cessation of use; prevent flow or addition of wastes	28	264.196(a)					
schedule for removal of waste from tank system or secondary containment system	28	264.196(b)(1)					
		264.196(b)(2)					
containment of visible releases to the environment	28	264.196(c)					
		264.196(c)(1)					
		264.196(c)(2)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
required notifications and reports following any release to the environment	28	264.196(d)(1)					
		264.196(d)(2)					
		264.196(d)(2)(i)					
		264.196(d)(2)(ii)					
		264.196(d)(3)					
		264.196(d)(3)(i)					
		264.196(d)(3)(ii)					
		264.196(d)(3)(iii)					
		264.196(d)(3)(iv)					
		264.196(d)(3)(v)					
provision of secondary containment, repair, or closure	28	264.196(e)(1)					
		264.196(e)(2)					
		264.196(e)(3)					
		264.196(e)(4)					
certification of major repairs	28	264.196(f)					

23 CLOSURE AND POST-CLOSURE CARE

general closure requirements	28	264.197(a)					
specific requirements when contaminated soils cannot practically be removed or decontaminated; closure as a landfill	28	264.197(b)					

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
closure plans and financial responsibility requirements for tank systems without secondary containment that fall under 264.193(b)-(f) and are not exempt from secondary containment requirements	28	264.197(c)					
		264.197(c)(1)					
		264.197(c)(2)					
		264.197(c)(3)					
		264.197(c)(4)					
		264.197(c)(5)					
SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES							
no ignitable or reactive waste in tank systems unless:	IV A,28	264.198(a)					
waste is treated, rendered or mixed	IV A,28	264.198(a)(1)					
		264.198(a)(1)(i)					
		264.198(a)(1)(ii)					
waste is protected	IV A,28	264.198(a)(2)					
system used solely for emergencies	IV A,28	264.198(a)(3)					
maintenance of protective distances	IV A,28	264.198(b)					
SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES							
no placement of incompatible wastes in tank system unless compliance with 264.17(b)	IV A,28	264.199(a)					
no placement in contaminated tank system unless compliance with 264.17(b)	IV A,28	264.199(b)					

CONSOLIDATED CHECKLIST C5  
40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
24 The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of subpart CC of this part.	14,28, 154	264.200					

- 1 In Checklist IV A, this text was included in 264.142(a).
- 2 Note that there is an error in the September 6, 1992 (57 FR 42832; Revision Checklist 113) Federal Register; at 264.145(f)(11) "direct of higher tier" should be "direct or higher tier."
- 3 Note that in Revision Checklist 113 (the Consolidated Liability Requirements Checklist), the changes to this citation addressed by the September 1, 1988 (53 FR 33938) final rule are optional whereas the changes addressed by the July 1, 1991 (56 FR 30200) are required.
- 4 The September 1, 1988 (53 FR 33938) rule added 264.147(a)(7) and (b)(7) to the code, and the September 16, 1992 rule (57 FR 42832) revised them (including adding 264.147(a)(7)(iii) and (b)(7)(iii)). Note that the preamble of the September 1, 1988 Federal Register incorrectly characterized these paragraphs as less stringent. The September 16, 1992 Federal Register clarified this issue by stating that, in fact, these paragraphs are more stringent because they address an additional reporting requirement. The amendment made by the September 16, 1992 rule made these requirements less stringent than those introduced by the September 1, 1988 rule. Thus, those States that adopted the more stringent September 1, 1988 provisions are not required to adopt the amendments made by the September 16, 1992 rule, although EPA urges them to do so. States that did not adopt the September 1, 1988 requirements at 264.147(a)(7) and (b)(7) should not do so but should adopt the clarified version promulgated by the September 16, 1992 rule.
- 5 Revision Checklist 45 added the reference to miscellaneous units to the first sentence of this paragraph. When the September 1, 1988 rule revised this paragraph, the Revision Checklist 45 change was inadvertently omitted. The July 1, 1991 rule restored the Revision Checklist 45 reference to miscellaneous units.
- 6 The September 1, 1988 rule (53 FR 33938; Revision Checklist 113) completely revised 264.147(b)(4) and deleted subparagraphs 264.147(b)(4)(i)-(iii).
- 7 Citations within the double lines are optional, but if a State chooses to modify its program to adopt requirements equivalent to these provisions, it must adopt such requirements as a unit rather than by individual provision. In other words, all or none of these provisions must be included in a State's code. Subsequent changes to these provisions may or may not be optional for States that have chosen to adopt the optional unit of provisions. An optional sign appears in front of the subsequent revision checklist number(s) if such subsequent changes are less stringent than or reduce the scope of the unit's requirements.

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

- 8 The September 1, 1988 rule (53 FR 33938; Revision Checklist 113) changed the heading for this paragraph by removing "corporate" before "guaranteee."
- 9 Note that only (g)(1)(ii) is removed and reserved; (g)(1)(i) remains as it was prior to the September 1, 1988 final rule addressed by Revision Checklist 113.
- 10 The September 1, 1988 rule (53 FR 33938, Revision Checklist 113) redesignated the old 264.147(h) as 264.147(k) and added a new paragraph 264.147(h). Although not included in Checklist IV B, the text of the old 264.147(h) (now 264.147(k)) was included in the base program as 264.147(g). The paragraph was designated as 264.147(h) by Revision Checklist 27.
- 11 Note that there is an error in the September 1, 1988 Federal Register (53 FR 33938; Revision Checklist 113); "letter or credit" should be "letter of credit".
- 12 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.143(f)(10), 264.145(f)(11), 265.143(e)(10) and 265.145(e)(11). If a State chooses to adopt the optional changes at 264.143(f)(10), 264.145(f)(11), 265.143(e)(10) and 265.145(e)(11), it must also adopt the changes at this citation. If the State does not adopt those changes, it should not adopt the Revision Checklist 113 changes at 264.151(f).
- 13 Note that in Revision Checklist 113 (the Consolidated Liability Requirements Checklist), the changes to this citation addressed by the September 1, 1988 (53 FR 33938) final rule are required whereas the changes addressed by the September 16, 1992 (56 FR 30200) final rule are optional. However, the changes addressed by the September 16, 1992 rule are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional changes at 264.147(f)(6) and 265.147(f)(6). If a State chooses to adopt the optional changes at 264.147(f)(6) and 265.147(f)(6), it must also adopt the changes made by the September 16, 1992 final rule at this citation. If the State does not adopt those changes, it should not adopt the September 16, 1992 changes at 264.151(g).
- 14 Note that there are several typographical errors in the Federal Register at 264.151(g) as indicated below:

Federal citation	<u>Federal Register</u> location	Error/Corrections
264.151(g) paragraph 4, line 5	57 <u>FR</u> 42837, column 3	"..'nonsudden' of 'both sudden..' should read "..'nonsudden' or 'both sudden.."
264.151(g), item 3., line 8	57 <u>FR</u> 42838, column 1	"subpart H or 40 CFR parts" should read "subpart H of 40 CFR parts"
264.151(g), Part A, Alternative I.3	57 <u>FR</u> 42838, column 1	"Current \$" should read "Current <u>liabilities</u> \$"
264.151(g), Part B, Alternative II.7., line 5	57 <u>FR</u> 42838, column 3	")____\$____" should be ") \$____"

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40 CFR Part 264, Subparts H-J, as of June 30, 1997 (cont'd)

- 15 The changes addressed by Revision Checklist 113 at this citation are "conditionally optional" because they are linked to whether a State chooses to adopt the Revision Checklist 113 optional provisions at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5). If a State chooses to adopt the optional provisions at 264.147(h)(4), 264.147(h)(5), 265.147(h)(4) and 265.147(h)(5), it must also adopt the changes at this citation. If the State does not adopt those provisions, it should not adopt the Revision Checklist 113 changes at 264.151(h)(1).

- 16 Note that there are several typographical errors in the Federal Register at 264.151(h)(2) as indicated below:

Federal citation	<u>Federal Register</u> location	Error/Corrections
264.151(h)(2), Guarantee for Liability Coverage, line 15	57 <u>FR</u> 42839, column 3	"or which guarantor is" should read " <u>of</u> which guarantor is"
264.151(h)(2), Guarantee for Liability Coverage, line 19	57 <u>FR</u> 42839, column 3	"264.141(h)]" should read "264.141(h) <u>or</u> 265.141(h)]"
264.151(h)(2), Certification of Valid Claim, line 8	57 <u>FR</u> 42840, column 2	insert "]" after "facility"

- 17 Note that there is a typographical error in the Federal Register; in line three of the revised text of (j)(2)(d) shown at 53 FR 33955, "corportation" should be "corporation".

- 18 Note that there are several typographical errors in the Federal Register at 264.151(k) as indicated below:

Federal citation	<u>Federal Register</u> location	Error/Corrections
264.151(k), Irrevocable Standby Letter of Credit, line 26	57 <u>FR</u> 42840, column 3	insert "]" after "trust fund:"
264.151(k), (2), 2nd paragraph, lines 2 & 5	57 <u>FR</u> 42841, column 1	delete "]" in "[date]" in line 2 add "]" after "[date]" in line 5
264.151(k), (2), 4th paragraph, line 7	57 <u>FR</u> 42841, column 1	end paragraph with "]"

- 19 Note that there are several errors in the September 1, 1988 Federal Register. Explanatory paragraph 10, as well as the actual text of the revised code, should read "(l)" rather than "(1)" (letter rather than number one). Also, the first sentence of the introductory text for the surety bond should reference "§ 264.147(i) or § 265.147(i)" rather than "§ 264.147(h) or § 265.147(h)".

- 20 Note that the introductory paragraph for 264.151(m)(2) is not clearly distinguished from the preceding and following certifications. In the middle of the third column at 53 FR 33958, the paragraph numbered (2) and

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ending with "of this acknowledgement." is the introductory paragraph and should have been printed in the larger type size used for such paragraphs. The example of the certification begins "State of".

- 21 Note that there is a typographical error in the Federal Register at 264.151(n)(1) as indicated below:

Federal citation	<u>Federal Register</u> location	Error/Corrections
264.151(n)(1) Standby Trust Agreement Section 3(e)(3)	57 <u>FR</u> 42841, column 3	insert "to" after "Property loaned"

- 22 Revision Checklist 28 completely revised this base program paragraph (Checklist IV A). Note that in the base program, the content of the current 264.190 introductory paragraph was originally located at 264.190(a).
- 23 Revision Checklist 28 completely reorganized and revised the regulations pertaining to tank systems which originally appeared in Checklist IV A at 264.191 through 264.197.
- 24 Revision Checklist 14 originally introduced 264.200 to the Federal code. Revision Checklist 28 removed the paragraph. New text designated as 264.200 was introduced by the November 25, 1996 rule of Revision Checklist 154 (61 FR 59932).